

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 09 2010

[Signature]
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HEATH CLEMENT SCHIRTZINGER,

Defendant.

CR 09-40076

ORDER

Pending before the Court is the Defendant's Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on February 16, 2010, and Judge Simko issued a Report and Recommendation, accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in Count 2 of the Indictment with Possession of Child Pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). After a careful review of the file, and the time for objections having expired,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Heath Clement Schirtzinger is adjudged guilty.

Dated this 9th day of March, 2010.

BY THE COURT:

Lawrence L. Piersol

Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *Joe Haas*

DEPUTY